

**SURFACE TRANSPORTATION BOARD  
OFFICE OF ENVIRONMENTAL ANALYSIS**

**FINAL ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN  
DOCKET NO. AB-32 (Sub-No. 104X)  
and  
DOCKET NO. AB-355 (Sub-No. 40X)

**October 24, 2011**

**ABANDONMENT TYPE**

The time for comments on the Environmental Assessment (EA) has expired in this:  
( X ) Notice of Exemption   ( ) Petition for Exemption   ( ) Regulated Abandonment

( )    **NO NEW COMMENTS WERE RECEIVED**

(X)    **NEW COMMENTS WERE RECEIVED**

The Office of Environmental Analysis (OEA) served an EA for this proceeding on October 4, 2011 for public review and comment. In the EA, OEA recommended four environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

**Comments on the EA**

During the EA comment period, OEA received comments from the New Hampshire Division of Historical Resources (State Historic Preservation Office or SHPO), New Hampshire Coastal Program (NHCP), and the U.S. Fish and Wildlife Service (USFWS) (see attached).

The SHPO's comments reaffirm its request for continued consultation under Section 106 of the National Historic Preservation Act. The comments require no change in OEA's recommended Section 106 condition.

The NHCP states that it has reviewed the Applicant-prepared Federal consistency certification and concludes that the proposed abandonment would comply with the enforceable policies of New Hampshire's federally approved coastal management program. Therefore, OEA concludes that its recommended condition in the EA regarding the coastal zone consistency determination is no longer necessary.

In its comments, the USFWS states the no federally listed or proposed, threatened or endangered species or critical habitat under USFWS jurisdiction are known to occur in the project area, and concludes that no further consultation under Section 7 of the Endangered Species Act is required. According, OEA concludes that its recommended condition in the EA pertaining to additional USFWS consultation is no longer necessary.

### **Modifications to the EA**

As a result of the comments, OEA no longer recommends the USFWS consultation and coastal zone management consistency conditions. The other two recommended environmental conditions in the EA remain unchanged.

### **Conclusions**

The EA comment period has ended. OEA recommends that the following conditions previously recommended in the EA be imposed upon any decision granting abandonment authority:

1. Boston and Maine Corporation shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.
2. Boston and Maine Corporation shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. Boston and Maine Corporation shall report to the Board's Office of Environmental Analysis regarding any consultations with New Hampshire Division of Historic Resources (the State Historic Preservation Office or SHPO) and the public. Boston and Maine Corporation may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

If the above conditions are imposed, OEA believes that the proposed action would not significantly affect the quality of the human environment.

OEA CONTACT: Dave Navecky  
202-245-0294  
[naveckyd@stb.dot.gov](mailto:naveckyd@stb.dot.gov)

Distribution: Andrea Pope-Matheson, Office of Proceedings  
OEA Chron  
ECT

# Surface Transportation Board Incoming Correspondence Record

#EI-18704

Correspondence Information			
Docket #.	AB 32 104 X	Date Received:	10/11/2011
Name of Sender:	Laura Black	Date of Letter:	10/11/2011
Group:	NH Division of Historical Resources		

Submitter's Comments
Thank you for the opportunity to provide comments to the project EA. As noted in the document, the NH SHPO requests continued Section 106 consultation as matters of project details and property ownership are more clearly defined.



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

October 17, 2011  
OCT 24 2011

Robert B. Burns, Esq.  
Pan Am Railways  
1700 Iron Horse Park  
North Billerica, MA 01862

RE: File No. 2011-p-2; Abandonment and Discontinuance of Hampton Branch Line

Dear Mr. Burns:

The New Hampshire Coastal Program has received your federal consistency certification regarding the proposed abandonment and discontinuance of service over an approximate 10 mile segment of railroad known as the Hampton Branch rail line, which traverses through Hampton, North Hampton, Rye, Greenland and Portsmouth, New Hampshire. Based upon review of the federal consistency certification, we find that the proposed activity complies with the enforceable policies of New Hampshire's federally approved coastal management program.

Should you have any questions, please feel free to contact me at (603) 559-0025.

Sincerely,

Christian Williams  
Federal Consistency Coordinator  
NH Coastal Program

cc: / Cynthia Brown, Surface Transportation Board



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

New England Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5087  
<http://www.fws.gov/newengland>



September 19, 2011

Reference:	<u>Project</u>	<u>Location</u>
	Railroad abandonment (AB 1080X & 1082X)	Portsmouth, Greenland. Rye. North Hampton. Hampton. NH

Mr. Robert Burns  
Boston & Maine Corporation  
1700 Iron Horse Park  
North Billerica, MA 01862

Dear Mr. Burns:

This responds to your recent correspondence requesting information on the presence of federally listed and/or proposed endangered or threatened species in relation to the proposed activity(ies) referenced above.

Based on information currently available to us, no federally listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under section 7 of the Endangered Species Act is not required.

This concludes our review of listed species and critical habitat in the project location(s) and environs referenced above. No further Endangered Species Act coordination of this type is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

In order to curtail the need to contact this office in the future for updated lists of federally listed or proposed threatened or endangered species and critical habitats, please visit the Endangered Species Consultation page on the New England Field Office's website:

[www.fws.gov/newengland/endangeredspec-consultation.htm](http://www.fws.gov/newengland/endangeredspec-consultation.htm)

In addition, there is a link to procedures that may allow you to conclude if habitat for a listed species is present in the project area. If no habitat exists, then no federally listed species are present in the project area and there is no need to contact us for further consultation. If the above conclusion

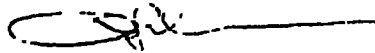
Mr. Robert Burns  
September 19, 2011

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cannot be reached, further consultation with this office is advised. Information describing the nature and location of the proposed activity that should be provided to us for further informal consultation can be found at the above-referenced site.

Thank you for your coordination. Please contact Mr. Anthony Tur of this office at 603-223-2541 if we can be of further assistance.

Sincerely yours.



pen } Thomas R. Chapman  
Supervisor  
New England Field Office